IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1760 of 2005

Between:

Chanti Rama Chander Rao, s/o late Venkata Ananda Rao,
R/o D.No.50-2-23, Gandhinagar, Visakhapatnam.

..... PETITIONER

AND

1.The District Collector, Visakhapatnam District, Visakhapatnam.
2.The Revenue Divisional Officer, Visakhapatnam.
3.The Mandal Revenue Officer, Chinagadili Mandal, Chinagadili,
Visakhapatnam District.
4. The Visakhapatnam Urban Development Authority, rep., by

its Chairman, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in cancelling his patta without giving any notice and without following the due process of law and thereby trying to dispossess him from his patta land without disposing his appeal before the 2nd respondent as illegal, arbitrary, unjust, malafide apart from violation of principles of natural justice and in violation of fundamental rights guaranteed under constitution and consequently direct the respondents not to dispossess him without following due process of law and further direct the respondents to restore the patta in his

name.

Counsel for the Petitioner: MR.RAVI CHEEMALAPATI

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the respondent No.4: Mrs Sumalini Reddy

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents 1 to 3.

The mother of the petitioner by name Hanumanyamma was allotted 'D' form Patta No.823, dated 04-01-1979 to an extent of Ac.5.00 cents of dry land situated in Sy.No.355/3 of Madhuravada Village of erstwhile Visakhapatnam Taluq which is now in Chinagadiri Village. It appears that subsequently the assignment was cancelled vide proceedings Rc.No.99/2001-A dated 05-11-2001 on the ground of alleged violation of the conditions of the grant.

Aggrieved by the said order, the petitioner herein who is the son of late Hanumanyamma filed an appeal before the Revenue Divisional Officer, Visakhapatnam. Now this writ petition is filed stating that during the pendency of appeal before the second respondent and while the application filed by the petitioner for stay is kept pending, the officials of the 4th respondent have been taking steps to dispossess the petitioner from the land in question.

The learned Government Pleader, on instructions, states that it is fact that the appeal filed by the petitioner is still pending before the second respondent.

Since admittedly, the statutory appeal is pending before the second respondent, I am of the view that it would be appropriate to protect the possession of the petitioner till the disposal of the appeal.

Accordingly, the Writ Petition is disposed of with a direction to the second respondent to dispose of the appeal pending on his file against the order in Rc.No.99/2001-A, dated 05.11.2001 and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, there shall be a direction to

the respondents not to dispossess the petitioner from the land in question.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 07-02-2005

NOTE: Copy by wire at party's costs

(B/o)

kvrm

To

1. The District Collector, Visakhapatnam District,
Visakhapatnam.
2. The Revenue Divisional Officer, Visakhapatnam.
3. The Mandal Revenue Officer, Chinagadili Mandal, Chinagadili,
Visakhapatnam District.
4. The Chairman, Visakhapatnam Urban Development Authority,
Visakhapatnam.

5. Two C.Cs. to the Government Pleader for Revenue, High Court
Buildings, Hyderabad. (O.U.T.)

6. Two C.D. copies.